

Exhibit D
to the
Declaration of Eugene L. Hahm In Support of
Visto's Reply in Opposition to RIM's Motion to
Stay Proceedings Related to the Visto Patents
Pending Reexamination



UNITED STATES PATENT AND TRADEMARK OFFICE

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Ex Parte Reexamination Filing Data - December 31, 2006

1. Total requests filed since start of ex parte reexam on 07/01/81 8403¹
 - a. By patent owner 3384 40%
 - b. By other member of public 4854 58%
 - c. By order of Commissioner 165 2%

2. Number of filings by discipline
 - a. Chemical Operation 2568 30%
 - b. Electrical Operation 2751 33%
 - c. Mechanical Operation 3084 37%

3. Annual Ex Parte Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	151
1984	189	1992	392	2000	318		
1985	230	1993	359	2001	296		
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		

4. Number known to be in litigation 2002 24%

5. Determinations on requests 8103
 - a. No. granted 7403 91%
 - (1) By examiner 7292
 - (2) By Director (on petition) 111
 - b. No. denied 700 9%
 - (1) By examiner 665
 - (2) Order vacated 35

¹Of the requests received through Dec. 31, 2006, 42 requests have not yet been accorded a filing date, and preprocessing of 9 requests was terminated, for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6. Total examiner denials (includes denials reversed by Director)	776			
a. Patent owner requester	435	56%		
b. Third party requester	341	44%		
7. Overall reexamination pendency (Filing date to certificate issue date)				
a. Average pendency	23.1 (mos.)			
b. Median pendency	17.9 (mos.)			
8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiated	Overall
a. All claims confirmed	23%	29%	13%	26%
b. All claims cancelled	7%	12%	21%	10%
c. Claims changes	70%	59%	66%	64%
9. Total ex parte reexamination certificates issued (1981 - present)	5640			
a. Certificates with all claims confirmed	1476	26%		
b. Certificates with all claims canceled	580	10%		
c. Certificates with claims changes	3584	64%		
10. Reexam claim analysis - requester is patent owner or 3rd party; or Comm'r initiated.				
a. Certificates - PATENT OWNER REQUESTER	2440			
(1) All claims confirmed	568	23%		
(2) All claims canceled	177	7%		
(3) Claim changes	1695	70%		
b. Certificates - 3rd PARTY REQUESTER	3057			
(1) All claims confirmed	890	29%		
(2) All claims canceled	373	12%		
(3) Claim changes	1794	59%		
c. Certificates - COMM'R INITIATED REEXAM	143			
(1) All claims confirmed	18	13%		
(2) All claims canceled	30	21%		
(3) Claim changes	95	66%		

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Inter Partes Reexamination Filing Data - December 31, 2006

1. Total requests filed since start of *inter partes* reexam on 11/29/99 209¹
2. Number of filings by discipline

a. Chemical Operation	53	25%
b. Electrical Operation	74	36%
c. Mechanical Operation	82	39%
3. Annual Reexam Filings

<u>Fiscal Yr.</u>	<u>No.</u>	<u>Fiscal Yr.</u>	<u>No.</u>	<u>Fiscal Yr.</u>	<u>No.</u>	<u>Fiscal Yr.</u>	<u>No.</u>
2000	0	2002	4	2004	27	2006	70
2001	1	2003	21	2005	59	2007	27
4. Number known to be in litigation 92 44%
5. Decisions on requests 177
 - a. No. granted 168 95%
 - (1) By examiner 168
 - (2) By Director (on petition) 0
 - b. No. not granted 9 5%
 - (1) By examiner 7
 - (2) Reexam vacated 2
6. Overall reexamination pendency (Filing date to certificate issue date)
 - a. Average pendency 27.9 (mos.)
 - b. Median pendency 29.7 (mos.)
7. Total *inter partes* reexamination certificates issued (1999 - present) 7
 - a. Certificates with all claims confirmed 1 14%
 - b. Certificates with all claims canceled 6 86%
 - c. Certificates with claims changes 0 0%

¹Of the requests received in 1st Qtr. FY 2007, 10 requests have not yet been accorded a filing date, and preprocessing of 1 request was terminated, for failure to comply with the requirements of 37 CFR 1.915. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).